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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

| | | |
|--|---|--------------------------------|
| TEMUJIN BUSTOS, |) | Case No. 1:20-cv-00066-DAD-BAM |
| |) | |
| Plaintiff, |) | STIPULATION TO AMEND |
| |) | SCHEDULING CONFERENCE ORDER; |
| vs. |) | AND ORDER THEREON |
| |) | |
| CITY OF FRESNO, a Public Entity; CHIEF |) | |
| OF POLICE JERRY P. DYER, individually |) | |
| and in his capacity as Chief of the Fresno |) | |
| Police Department; CHIEF OF POLICE |) | |
| ANDREW HALL, individually and in his |) | |
| capacity as Chief of the Fresno Police |) | |
| Department; and DOES 1 to 10, inclusive, |) | |
| |) | |
| Defendants. |) | |

IT IS HEREBY STIPULATED AND AGREED, by and between the parties,
through their respective counsel of record, as follows:

1. This litigation involves an employment discrimination/civil rights action
Against the City of Fresno and two former Police Chiefs based upon multiple
promotional opportunities.

1 2. The Scheduling Conference Order in this matter was filed on September
2 22, 2020 (Document No. 26). Amended Scheduling Orders were filed on June 21,
3 2021 (Document No. 32) and on November 2, 2021 (Document No. 35). No trial date
4 is set.

5 3. Counsel for Plaintiff left the law firm, and new counsel is still trying to get
6 up to speed regarding this lawsuit;

7 4. Several months ago, Plaintiff filed a stress claim and is still on medical
8 leave. This has delayed Plaintiff=s ability to make himself available for deposition.
9 Moreover, the worker=s compensation proceeding will likely impact the civil lawsuit,
10 particularly as to damages;

11 5. The facts outlined in the preceding paragraphs have made it difficult to
12 continue meet and confer efforts regarding medical and psychiatric records that were
13 previously subpoenaed and sought by way of inspection demands;

14 6. The parties have undertaken preliminary written discovery and have
15 produced over 6,000 pages of documents. They are still working through privilege
16 issues.

17 7. The pandemic has significantly delayed depositions in this matter. All
18 parties have put off depositions with the belief that the depositions will be more
19 beneficial in this type of litigation if they are in person. In addition, since opposing
20 counsel is located out of the area, we are attempting to schedule the depositions to
21 allow for one trip.
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8. All parties believe that a 120-day extension on the remaining deadlines in the Scheduling Conference Order would greatly assist the parties in completing discovery, retaining experts, having further settlement discussions and preparing for trial. Thus, the parties propose the following dates:

| | <u>Current Date</u> | <u>New Date</u> |
|----------------------------------|---------------------|-----------------|
| Expert Disclosure: | 05/18/2022 | 09/15/2022 |
| Supplemental Expert Disclosure: | 06/09/2022 | 10/07/2022 |
| Non-Expert Discovery Cutoff: | 04/29/2022 | 08/26/2022 |
| Expert Discovery Cutoff: | 07/08/2022 | 11/04/2022 |
| Pretrial Motion Filing Deadline: | 07/28/2022 | 11/25/2022 |
| Pretrial Conference: | 11/28/2022 | 03/27/2023 |

9. Thus, it is respectfully requested that the Scheduling Conference Order be modified by 120-days.

Dated: February 25, 2022

BETTS & RUBIN

By /s/ Joseph D. Rubin

Joseph D. Rubin

Attorneys for Defendants CITY OF FRESNO,
JERRY DYER, ANDREW HALL

Dated: February 25, 2022

CASTILLO HARPER, APC

By /s/ Brandi L. Harper

Brandi L. Harper

Attorneys for Plaintiff Temujin Bustos

ORDER

Based on the parties' Stipulation, and good cause appearing IT IS HEREBY
ORDERED that:

1. The Scheduling Order will be modified in the following manner:

Expert Disclosure: 09/15/2022

Supplemental Expert Disclosure: 10/07/2022

Non-Expert Discovery Cutoff: 08/26/2022

Expert Discovery Cutoff: 11/04/2022

Pretrial Motion Filing Deadline: 11/25/2022

Pretrial Conference: 03/27/2023

If the parties believe that a settlement conference will be beneficial at this juncture, they may request one by contacting Esther Valdez at evaldez@caed.uscourts.gov.

IT IS SO ORDERED.

Dated: March 1, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE